

Senate Engrossed House Bill

FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

CHAPTER 324

HOUSE BILL 2395

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-186; AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-707; AMENDING SECTION 15-843, ARIZONA REVISED STATUTES; RELATING TO THE SUSPENSION AND EXPULSION OF PUPILS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 8, Arizona Revised
3 Statutes, is amended by adding section 15-186, to read:

4 15-186. Pupil disciplinary procedures; notification

5 EACH CHARTER SCHOOL GOVERNING BODY SHALL DEVELOP PROCEDURES THAT
6 REQUIRE THE CHARTER SCHOOL TO ANNUALLY REPORT TO THE DEPARTMENT OF
7 EDUCATION IN A MANNER PRESCRIBED BY THE DEPARTMENT THE NUMBER OF
8 SUSPENSIONS AND EXPULSIONS THAT INVOLVE THE POSSESSION, USE OR SALE OF AN
9 ILLEGAL SUBSTANCE UNDER TITLE 13, CHAPTER 34 AND THE TYPE OF ILLEGAL
10 SUBSTANCE INVOLVED IN EACH SUSPENSION OR EXPULSION. THE DEPARTMENT OF
11 EDUCATION SHALL COMPILE THIS INFORMATION AND ANNUALLY POST THE INFORMATION
12 ON ITS WEBSITE. THE INFORMATION SHALL NOT INCLUDE PERSONALLY IDENTIFIABLE
13 INFORMATION, SHALL COMPLY WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY
14 ACT OF 1974 (P.L. 93-380; 88 STAT. 57; 20 UNITED STATES CODE SECTION
15 1232g) AND SHALL SHOW THE NUMBER OF SUSPENSIONS AND EXPULSIONS ASSOCIATED
16 WITH EACH ILLEGAL SUBSTANCE AGGREGATED STATEWIDE AND BY COUNTY.

17 Sec. 2. Title 15, chapter 7, article 1, Arizona Revised Statutes,
18 is amended by adding section 15-707, to read:

19 15-707. College and career readiness program for at-risk
20 students; requirements; annual report; program
21 termination; definition

22 A. A SCHOOL DISTRICT OR CHARTER SCHOOL THAT PROVIDES HIGH SCHOOL
23 INSTRUCTION MAY ESTABLISH A CAREER AND COLLEGE READINESS PROGRAM FOR
24 AT-RISK STUDENTS. A PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL
25 MEET THE FOLLOWING REQUIREMENTS:

26 1. CONSIST OF AT LEAST NINE CONSECUTIVE MONTHS OF ACADEMIC SUPPORT,
27 INCLUDING TUTORING AND REMEDIATION, TO ENSURE THAT PARTICIPATING STUDENTS
28 MEET THE ACADEMIC STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION.

29 2. CONSIST OF COMPREHENSIVE INSTRUCTION ON WORKPLACE SKILLS AS
30 ADOPTED BY THE STATE BOARD OF EDUCATION.

31 3. CONSIST OF INSTRUCTION ON LEADERSHIP AND CIVIC DUTY.

32 4. REQUIRE STUDENTS WHO PARTICIPATE IN THE PROGRAM TO EARN CREDITS
33 TOWARD GRADUATION FROM HIGH SCHOOL.

34 5. REQUIRE STUDENTS WHO PARTICIPATE IN THE PROGRAM TO PERFORM
35 VOLUNTEER ACTIVITIES OR COMMUNITY SERVICE.

36 6. REQUIRE STUDENTS WHO PARTICIPATE IN THE PROGRAM TO CONTINUE TO
37 PARTICIPATE IN THE PROGRAM FOR TWELVE MONTHS AFTER GRADUATION FROM HIGH
38 SCHOOL, DURING WHICH TIME THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL
39 PROVIDE FOLLOW-UP ASSISTANCE THAT IS DESIGNED TO ASSIST THE STUDENT'S
40 TRANSITION TO POSTSECONDARY EDUCATION, VOCATIONAL OR JOB TRAINING,
41 MILITARY SERVICE OR EMPLOYMENT. A PARTICIPATING SCHOOL DISTRICT OR
42 CHARTER SCHOOL MAY DEVELOP A DUAL ENROLLMENT COURSE PROGRAM IN ORDER TO
43 MEET THE REQUIREMENTS OF THIS PARAGRAPH.

1 7. BE ADMINISTERED THROUGH A PRIVATE ENTITY SELECTED BY THE
2 DEPARTMENT OF EDUCATION.

3 B. SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT PARTICIPATE IN THE
4 PROGRAM SHALL ANNUALLY REPORT THE FOLLOWING INFORMATION TO THE DEPARTMENT
5 OF EDUCATION:

6 1. THE PERCENTAGE OF STUDENTS WHO PARTICIPATE IN THE PROGRAM AND
7 WHO GRADUATE FROM HIGH SCHOOL OR OBTAIN A GENERAL EQUIVALENCY DEGREE ON OR
8 WITHIN TWELVE MONTHS AFTER THE SCHEDULED GRADUATION DATE FOR THAT
9 STUDENT'S CLASSMATES.

10 2. THE PERCENTAGE OF STUDENTS WHO PARTICIPATE IN THE PROGRAM, WHO
11 GRADUATE FROM HIGH SCHOOL OR OBTAIN A GENERAL EQUIVALENCY DEGREE AND WHO
12 BEGIN PARTICIPATION IN POSTSECONDARY EDUCATION, EMPLOYMENT, VOCATIONAL OR
13 JOB TRAINING OR MILITARY SERVICE WITHIN TWELVE MONTHS AFTER THE SCHEDULED
14 GRADUATION DATE FOR THAT STUDENT'S CLASSMATES.

15 3. THE PERCENTAGE OF STUDENTS WHO PARTICIPATE IN THE PROGRAM AND
16 WHO ARE EITHER ENROLLED FULL TIME AT A POSTSECONDARY EDUCATION
17 INSTITUTION, EMPLOYED FULL TIME, ENROLLED IN A FULL-TIME VOCATIONAL OR JOB
18 TRAINING PROGRAM OR ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED
19 STATES, OR ANY COMBINATION OF THESE ACTIVITIES THAT IN TOTALITY AMOUNTS TO
20 FULL-TIME ACTIVITY, WITHIN TWELVE MONTHS AFTER THE SCHEDULED GRADUATION
21 DATE FOR THAT STUDENT'S CLASSMATES.

22 4. THE PERCENTAGE OF STUDENTS WHO PARTICIPATE IN THE PROGRAM AND
23 THEIR ACHIEVEMENT SCORES ON THE STATEWIDE ASSESSMENT ADOPTED BY THE STATE
24 BOARD OF EDUCATION PRESCRIBED IN SECTION 15-741.

25 C. ON OR BEFORE SEPTEMBER 15 OF EACH YEAR, THE DEPARTMENT OF
26 EDUCATION SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR, THE PRESIDENT OF
27 THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES THAT SUMMARIZES
28 THE INFORMATION SUBMITTED PURSUANT TO SUBSECTION B OF THIS SECTION. THE
29 DEPARTMENT OF EDUCATION SHALL PROVIDE A COPY OF THE ANNUAL REPORT TO THE
30 SECRETARY OF STATE.

31 D. THE PROGRAM ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2027
32 PURSUANT TO SECTION 41-3102.

33 E. FOR THE PURPOSES OF THIS SECTION, "AT-RISK STUDENT" MEANS A
34 PUPIL IN GRADE ELEVEN OR TWELVE WHO EITHER:

35 1. IS LIKELY TO DROP OUT OF HIGH SCHOOL WITHOUT GRADUATING.

36 2. HAS DOCUMENTED ACADEMIC, PERSONAL OR VOCATIONAL BARRIERS TO
37 SUCCESS IN HIGH SCHOOL AND THE WORKPLACE INCLUDING HAVING BEEN SUBJECT TO
38 DISCIPLINE, SUSPENSION OR EXPULSION PURSUANT TO 15-843.

39 Sec. 3. Section 15-843, Arizona Revised Statutes, is amended to
40 read:

41 15-843. Pupil disciplinary proceedings

42 A. An action concerning discipline, suspension or expulsion of a
43 pupil is not subject to title 38, chapter 3, article 3.1, except that the
44 governing board of a school district shall post regular notice and shall

1 take minutes of any hearing held by the governing board concerning the
2 discipline, suspension or expulsion of a pupil.

3 B. The governing board of any school district, in consultation with
4 the teachers and parents of the school district, shall prescribe rules for
5 the discipline, suspension and expulsion of pupils. The rules shall be
6 consistent with the constitutional rights of pupils and shall include at
7 least the following:

8 1. Penalties for excessive pupil absenteeism pursuant to section
9 15-803, including failure in a subject, failure to pass a grade,
10 suspension or expulsion.

11 2. Procedures for the use of corporal punishment if allowed by the
12 governing board.

13 3. Procedures for the reasonable use of physical force by
14 certificated or classified personnel in self-defense, defense of others
15 and defense of property.

16 4. Procedures for dealing with pupils who have committed or who are
17 believed to have committed a crime.

18 5. A notice and hearing procedure for cases concerning the
19 suspension of a pupil for more than ten days.

20 6. Procedures and conditions for readmission of a pupil who has
21 been expelled or suspended for more than ten days.

22 7. Procedures for appeal to the governing board of the suspension
23 of a pupil for more than ten days, if the decision to suspend the pupil
24 was not made by the governing board.

25 8. Procedures for appeal of the recommendation of the hearing
26 officer or officers designated by the board as provided in subsection F of
27 this section at the time the board considers the recommendation.

28 9. ~~Beginning in school year 2013-2014,~~ Disciplinary policies for
29 the confinement of pupils left alone in an enclosed space. These policies
30 shall include the following:

31 (a) A process for prior written parental notification that
32 confinement may be used for disciplinary purposes AND that is included in
33 the pupil's enrollment packet or admission form.

34 (b) A process for prior written parental consent before confinement
35 is allowed for any pupil in the school district. The policies shall
36 provide for an exemption to prior written parental consent if a school
37 principal or teacher determines that the pupil poses imminent physical
38 harm to self or others. The school principal or teacher shall make
39 reasonable attempts to notify the pupil's parent or guardian in writing by
40 the end of the same day that confinement was used.

41 10. PROCEDURES THAT REQUIRE THE SCHOOL DISTRICT TO ANNUALLY REPORT
42 TO THE DEPARTMENT OF EDUCATION IN A MANNER PRESCRIBED BY THE DEPARTMENT
43 THE NUMBER OF SUSPENSIONS AND EXPULSIONS THAT INVOLVE THE POSSESSION, USE
44 OR SALE OF AN ILLEGAL SUBSTANCE UNDER TITLE 13, CHAPTER 34 AND THE TYPE OF

1 ILLEGAL SUBSTANCE INVOLVED IN EACH SUSPENSION OR EXPULSION. THE
2 DEPARTMENT OF EDUCATION SHALL COMPILE THIS INFORMATION AND ANNUALLY POST
3 THE INFORMATION ON ITS WEBSITE. THE INFORMATION SHALL COMPLY WITH THE
4 FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (P.L. 93-380; 88 STAT.
5 57; 20 UNITED STATES CODE SECTION 1232g) AND NOT INCLUDE PERSONALLY
6 IDENTIFIABLE INFORMATION AND SHALL SHOW THE NUMBER OF SUSPENSIONS AND
7 EXPULSIONS ASSOCIATED WITH EACH ILLEGAL SUBSTANCE AGGREGATED STATEWIDE AND
8 BY COUNTY.

9 C. Penalties adopted pursuant to subsection B, paragraph 1 of this
10 section for excessive absenteeism shall not be applied to pupils who have
11 completed the course requirements and whose absence from school is due
12 solely to illness, disease or accident as certified by a person who is
13 licensed pursuant to title 32, chapter 7, 13, 15 or 17.

14 D. The governing board shall:

15 1. Support and assist teachers in the implementation and
16 enforcement of the rules prescribed pursuant to subsection B of this
17 section.

18 2. Develop procedures allowing teachers and principals to recommend
19 the suspension or expulsion of pupils.

20 3. Develop procedures allowing teachers and principals to
21 temporarily remove disruptive pupils from a class.

22 4. Delegate to the principal the authority to remove a disruptive
23 pupil from the classroom.

24 E. If a pupil withdraws from school after receiving notice of
25 possible action concerning discipline, expulsion or suspension, the
26 governing board may continue with the action after the withdrawal and may
27 record the results of such action in the pupil's permanent file.

28 F. In all action concerning the expulsion of a pupil, the governing
29 board of a school district shall:

30 1. Be notified of the intended action.

31 2. Either:

32 (a) Decide, in executive session, whether to hold a hearing or to
33 designate one or more hearing officers to hold a hearing to hear the
34 evidence, prepare a record and bring a recommendation to the board for
35 action and whether the hearing shall be held in executive session.

36 (b) Provide by policy or vote at its annual organizational meeting
37 that all hearings concerning the expulsion of a pupil conducted pursuant
38 to this section will be conducted before a hearing officer selected from a
39 list of hearing officers approved by the governing board.

40 3. Give written notice, at least five working days before the
41 hearing by the governing board or the hearing officer or officers
42 designated by the governing board, to all pupils subject to expulsion and
43 their parents or guardians of the date, time and place of the hearing. If
44 the governing board decides that the hearing is to be held in executive

1 session, the written notice shall include a statement of the right of the
2 parents or guardians or an emancipated pupil who is subject to expulsion
3 to object to the governing board's decision to have the hearing held in
4 executive session. Objections shall be made in writing to the governing
5 board.

6 G. If a parent or guardian or an emancipated pupil who is subject
7 to expulsion disagrees that the hearing should be held in executive
8 session, it shall be held in an open meeting unless:

9 1. If only one pupil is subject to expulsion and disagreement
10 exists between that pupil's parents or guardians, the governing board,
11 after consultations with the pupil's parents or guardians or the
12 emancipated pupil, shall decide in executive session whether the hearing
13 will be in executive session.

14 2. If more than one pupil is subject to expulsion and disagreement
15 exists between the parents or guardians of different pupils, separate
16 hearings shall be held subject to this section.

17 H. This section does not prevent the pupil who is subject to
18 expulsion or suspension, and the pupil's parents or guardians and legal
19 counsel, from attending any executive session pertaining to the proposed
20 disciplinary action, from having access to the minutes and testimony of
21 the executive session or from recording the session at the parent's or
22 guardian's expense.

23 I. In schools employing a superintendent or a principal, the
24 authority to suspend a pupil from school is vested in the superintendent,
25 principal or other school officials granted this power by the governing
26 board of the school district.

27 J. In schools that do not have a superintendent or principal, a
28 teacher may suspend a pupil from school.

29 K. In all cases of suspension, it shall be for good cause and shall
30 be reported within five days to the governing board by the superintendent
31 or the person imposing the suspension.

32 L. Rules pertaining to the discipline, suspension and expulsion of
33 pupils shall not be based on race, color, religion, sex, national origin
34 or ancestry. If the department of education, the auditor general or the
35 attorney general determines that a school district is substantially and
36 deliberately not in compliance with this subsection and if the school
37 district has failed to correct the deficiency within ninety days after
38 receiving notice from the department of education, the superintendent of
39 public instruction may withhold the monies the school district would
40 otherwise be entitled to receive from the date of the determination of
41 noncompliance until the department of education determines that the school
42 district is in compliance with this subsection.

1 M. The principal of each school shall ensure that a copy of all
2 rules pertaining to discipline, suspension and expulsion of pupils is
3 distributed to the parents of each pupil at the time the pupil is enrolled
4 in school.

5 N. The principal of each school shall ensure that all rules
6 pertaining to the discipline, suspension and expulsion of pupils are
7 communicated to students at the beginning of each school year, and to
8 transfer students at the time of their enrollment in the school.

9 O. SCHOOL DISTRICTS MAY REFER A PUPIL WHO HAS BEEN SUBJECT TO
10 DISCIPLINE, SUSPENSION OR EXPULSION PURSUANT TO THIS SECTION TO A CAREER
11 AND COLLEGE READINESS PROGRAM FOR AT-RISK STUDENTS ESTABLISHED PURSUANT TO
12 SECTION 15-707.

APPROVED BY THE GOVERNOR MAY 22, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2017.

Passed the House February 23, 20 17

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

☐ Pro Tempore

[Signature]
Chief Clerk of the House

Passed the Senate April 27, 20 17

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20 _____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20 _____

at _____ o'clock _____ M.

Secretary of State

H.B. 2395

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 8, 20 17,
by the following vote: 58 Ayes,

1 Nays, 1 Not Voting

[Signature]
Speaker of the House
Pat Rypare

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

8th day of May, 20 17,

at 3:37 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 22nd. day of

May, 20 17,

at 2:01 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2395

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of May, 20 17,

at 6:34 o'clock P. M.

[Signature]
Secretary of State